Senate Study Bill 3132 - Introduced

SEN	ATE FILE	
ВУ	(PROPOSED COMMITTEE C	N
	TRANSPORTATION BILL E	3Y
	CHAIRPERSON BROWN)	

A BILL FOR

- 1 An Act relating to third-party testers and test examiners for
- 2 commercial driver's license knowledge and driving skills
- 3 tests.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

```
S.F. ____
```

- 1 Section 1. Section 321.187, subsections 2 and 3, Code 2022, 2 are amended to read as follows:
- 3 2. The department may by rule designate community colleges
- 4 established under chapter 260C and other third-party testers to
- 5 administer the knowledge and driving skills test tests required
- 6 for a commercial learner's permit or commercial driver's
- 7 license, provided that all of the following occur:
- 8 a. The driving skills test is the same as that which
- 9 would otherwise be administered by the state. The fees for
- 10 administering a commercial driver's license driving skills test
- 11 as provided in sections 321.187A and 321M.6A shall not apply
- 12 to a driving skills test administered by a third-party tester
- 13 under this section.
- 14 b. The third-party tester contractually agrees to comply
- 15 with the requirements of 49 C.F.R. §383.75 pts. 383 and 384
- 16 applicable to third-party knowledge and driving skills testing,
- 17 as adopted by rule by the department.
- 18 c. Any third-party skills test examiner used by the
- 19 third-party tester shall meet the requirements of 49 C.F.R.
- 20 \$383.75 and 49 C.F.R. \$384.228 pts. 383 and 384 applicable to
- 21 third-party knowledge and driving skills testing, as adopted
- 22 by rule by the department. The department shall adopt rules
- 23 requiring that a third-party tester, other than a community
- 24 college established under chapter 260C, either be an Iowa-based
- 25 motor carrier, or its subsidiary, that has its principal office
- 26 within this state and operates a permanent commercial driver
- 27 training facility in this state, or be an Iowa nonprofit
- 28 corporation that serves as a trade association for Iowa-based
- 29 motor carriers regarding who may qualify as a third-party
- 30 tester. The rules may also provide that a third-party tester
- 31 conduct a number of skills test examinations above the number
- 32 required under 49 C.F.R. §383.75 in order to remain qualified
- 33 as a third-party tester under this section. A third-party
- 34 tester, other than a community college established under
- 35 chapter 260C, must be one of the following:

- 1 (1) An Iowa-based motor carrier, or its subsidiary, that has
- 2 its principal office within this state and operates a permanent
- 3 commercial driver training facility in this state.
- 4 (2) An Iowa nonprofit corporation that serves as a trade
- 5 association for Iowa-based motor carriers.
- 6 (3) A public transit system or regional transit system, as
- 7 those terms are defined in section 324A.1, in this state.
- 8 3. As used in this section, "third-party tester" and
- 9 "third-party skills test examiner" mean as defined in 49 C.F.R.
- 10 §383.5.:
- 11 a. "Third-party test examiner" means a person employed by
- 12 a third-party tester who is authorized by the department to
- 13 administer the knowledge and driving skills tests under this
- 14 section.
- 15 b. "Third-party tester" means a person designated by
- 16 the department to employ knowledge and driving skills test
- 17 examiners to administer knowledge and driving skills tests
- 18 under this section.
- 19 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 22 Under current law, the department of transportation (DOT) is
- 23 required to examine applicants for driver's licenses. However,
- 24 the DOT may designate community colleges and other third-party
- 25 testers to administer the driving skills test required for
- 26 a commercial driver's license (CDL). A third-party skills
- 27 test examiner used by a third-party tester must meet federal
- 28 regulatory requirements as adopted by rule by the DOT. The DOT
- 29 is required to adopt rules requiring that a third-party tester,
- 30 other than a community college, either be an Iowa-based motor
- 31 carrier, or its subsidiary, that has its principal office and
- 32 operates a permanent commercial driver training facility in
- 33 Iowa, or an Iowa nonprofit corporation that serves as a trade
- 34 association for Iowa-based motor carriers.
- 35 This bill authorizes third-party testers who comply with

S.F.

- 1 federal regulatory requirements, and who are designated by
- 2 the DOT, to administer the knowledge and driving skills tests
- 3 required for commercial learner's permits and CDLs. The bill
- 4 authorizes Iowa public transit systems (an urban or regional
- 5 transit system providing transit services accessible to the
- 6 general public and receiving federal, state, or local tax
- 7 support) and Iowa regional transit systems (a public transit
- 8 system serving one county or all or part of a multicounty area
- 9 whose boundaries correspond to the same boundaries as those of
- 10 the regional planning areas designated by the governor except
- 11 as agreed upon by the county and the DOT) to be third-party
- 12 testers. The bill makes organizational changes to Code
- 13 section 321.187 and defines "third-party test examiner" and
- 14 "third-party tester".